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2
3 IN THE UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA

5 RAGHBIR SINGH,)
6 Petitioner,) No. C 08-1281 CRB (PR)
7 vs.) ORDER
8 BEN CURRY, Warden,) (Docket # 7)
9 Respondent.)
10 _____)

11
12 Petitioner seeks a writ of habeas corpus under 28 U.S.C. § 2254 challenging the
13 California Board of Parole Hearings' ("BPH") August 29, 2006 decision to deny him
14 parole. On July 21, 2008, the court ordered respondent to show cause why a writ of
15 habeas corpus should not be granted.

16 Respondent now has filed a motion to stay this case indefinitely pending the en
17 banc decision in Hayward v. Marshall, 512 F.3d 536 (9th Cir.), reh'g en banc granted,
18 No. 06-55392, slip op. at 1 (9th Cir. May 16, 2008). Respondent asserts that a stay is
19 warranted on basis of judicial economy because Hayward "may" decide various issues
20 applicable to this case. The motion for a stay (docket # 7) is DENIED because it is an
21 abuse of discretion for a district court to stay a habeas petition indefinitely pending
22 appellate resolution of a different case involving parallel issues. Yong v. INS, 208 F.3d
23 1116, 1120-22 (9th Cir. 2000). The time to file an answer is extended to a date sixty
24 days from the date this order is entered.

25 SO ORDERED.

26 DATED: August 8, 2008

27 
28 CHARLES R. BREYER
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RAGHBIR SINGH,

Plaintiff,

v.

B. CURRY et al,

Defendant.

Case Number: CV08-01281 CRB

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 8, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Raghbir Singh D-54338
CTF-Soledad
CW-308-L
P.O. Box 689
Soledad, CA 93960

Dated: August 8, 2008

Richard W. Wieking, Clerk
By: Barbara Espinoza, Deputy Clerk